

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
CRIMINAL DOCKET NO.: 3:04CR255-V**

UNITED STATES OF AMERICA)	
)	
vs.)	<u>ORDER</u>
)	
FLORENCIO SANMIGUEL,)	
Defendant.)	
_____)	

THIS MATTER is before the Court on Defendant's Motion To Sever, filed February 3, 2006, and the Government's Response In Opposition, filed February 13, 2006. (Documents #115, #118)

For the reasons stated in the Government's response, the Court, in its discretion, will not sever Defendant Florencio Sanmiguel's trial from the trial of his remaining co-defendants.

IT IS, THEREFORE, ORDERED that Defendant's motion is hereby **DENIED**. However, Defendant may renew his motion between now and the commencement of the trial term on March 20, 2006, if he is able to make a sufficient showing regarding the willingness of his co-defendants to testify on his behalf and that the proffered testimony would, in fact, be exculpatory.

Signed: March 3, 2006



Richard L. Voorhees
Chief United States District Judge

